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Remarks

Claims 8, 16, 19 and 21 are amended. Claim 22 is added. Claims 2 to 14, 16 to 19, 21 and 22 are pending in this application of which claims 5, 8, 16, 18, 19, 21 and 22 are in independent form.

Claim 21 had been objected to because "at at" in line 15 appeared to be a typographical error. There is no error here because the second strut is fixable at at least first and second attachment points. This is evident if one considers the words "at least" as a phrase belonging to the larger phrase of "at least first and second attachment points". There are at least first and second attachment points and there can, of course, be many more attachment points, but there are at least two.

Claims 8 to 11 contain allowable subject matter. Accordingly, claim 8 is amended herein to incorporate therein all the features and limitations of claims 5, 6 and 7 from which it had depended so that claim 8 should now be in condition for allowance. Claims 9 to 11 are all dependent from claim 8 so that these claims too should now be allowable.

Claim 22 corresponds to claim 8 but does not include the features and limitations of claims 6 and 7 which are directed to the direction in which the detent recesses are either closed or opened toward the second strut. Claim 22 does include the feature and limitation of:

"a bolt mounted on said second strut  
for coaxing with said detent recesses and  
said bolt extending transversely to said

second strut."

This feature has been recognized by the Examiner as not being part of the state of the art so that the claim 22 should also be allowable.

Independent claims 5, 16, 18 and 19 were all rejected as being unpatentable over Maxwell in view of Pearson et al. Of these independent claims, claims 16 and 19 have been amended. The following will show that claims 5, 16, 18 and 19 patentably distinguish the applicants' invention over this combination of references.

With respect to claim 5, applicants note that the construction of Pearson et al differs basically from that of the invention as well as from that of Maxwell. In Pearson et al, each wheel is rigidly positioned on two mutually parallel rods. As shown in FIG. 4 of Pearson et al, the two rods are fixed at attachment points 29 on the frame part 25. The rods are not releaseable from the attachment points and a sleeve 40 is arranged on the rods. Only the direction can be changed via a sleeve 40 in which the rods are directed away from the attachment points 29. For this purpose, the sleeve 40 coacts with latch recesses on the component 25.

No suggestion is made in Pearson et al that there could be several attachment points to which a strut can be fixed on the work apparatus. Here, for each strut, a single attachment point 29 is provided. Also, the configuration of an attachment point as a detent recess is not suggested by Pearson et al. A configuration of this kind is not rendered obvious by Pearson et al because, for the construction shown having two

parallelly directed rods, no fixation in a detent recess can be achieved. Accordingly, it is not seen how Pearson et al can be combined with Maxwell to arrive at the applicants' invention.

In view of the above, applicants submit that claim 5 should now be allowable.

With respect to claim 16, applicants note that Pearson et al does not show different attachment points which are configured as detent recesses. The struts are fixed tightly at attachment points to a frame. Only the orientation of the rods can be fixed via the latch recesses with which the sleeve coacts. A fixing screw with which the second strut is fixed to the rail is nowhere suggested in Pearson et al and is not obvious in view of this reference because of the different functional principle of Pearson et al so that applicants' claim 16 should also be allowable.

Claim 18 is also not rendered obvious by the combination of Maxwell and Pearson et al because neither of these two references show a latch recess which is closed toward the strut. In Pearson et al, the latch recesses are open in the direction toward the struts. In this context, it is emphasized that the latch recesses in Pearson et al do not define attachment points as in the applicants' invention.

As shown in FIG. 2 of the applicants' drawings, a plurality of detent recesses are provided which are open toward the second strut. When the transport wheel 13 is arranged on the ground, then a force acts on the strut 15 upwardly and presses the attachment screw into the closed end of the detent recess. One of the detent recesses is configured as a detent recess 22 which

is closed toward the second strut. When the second strut 15 is arranged in the detent recess closed toward the second strut 15, then a placement of the wheel 13 on the ground would cause the second strut 15 to become dislodged from the detent recess 22 because the bolt in the detent recess 22 can slip upwardly. The detent recess, which is closed toward the second strut 15, has the purpose to fix the transport wheel 13 in an out-of-service position wherein the transport wheel is arranged at the frame. In this position, the transport wheel 13 is not in contact engagement with the ground so that no force from below acts on the transport wheel 13. The weight force of the two struts and the transport wheel 13 acts downwardly on the detent recess 22 so that the transport wheel 13 is held, because of its weight, in the detent recess closed toward the second strut. The detent recess 23, which is open toward the second strut 15, and the detent recess 22, which is closed toward the second strut 15, thereby perform basically different functions. A transport position of this kind is nowhere suggested in the combination of Maxwell and Pearson et al.

For the reasons advanced above, applicants submit that independent claim 18 should likewise now be allowable.

Claim 19 was also rejected as being unpatentable over the combination of Maxwell and Pearson et al. Claim 19 is amended herein to recite the feature and limitation of:

"a bolt mounted on said second strut  
for coacting with said detent recesses and  
said bolt extending transversely to said  
second strut."

The above feature corresponds to claim 8 which, as noted

above, with respect to claim 22, is nowhere shown in the combination of the applied references. Accordingly, claim 19 should now likewise be allowable.

Claim 20 is referred to on page 7, paragraph 5, of the action, but applicants believe that the Examiner intended to reject claim 21 as being anticipated by Maxwell. The following will show that claim 21, as amended, patentably distinguishes the applicants' invention over this reference.

To more clearly define the applicants' invention, claim 21 has been amended to recite that the work apparatus has two handle tubes and a carrier handle which are now set forth in the last two clauses of claim 21 as follows:

"two handle tubes having respective handles and being connected to said work apparatus; and,

a carrier handle attached to said work apparatus between said drive motor and said two handle tubes."

The carrier handle is very advantageous for transporting the work apparatus when the transport wheel is disposed at the frame when the second strut is fixed at the first attachment point and the carrier handle is attached to the work apparatus between the drive motor and the two handle tubes. The work apparatus can be easily transported by an operator grasping the carrier handle when the transport wheel is arranged at the frame as shown in FIG. 5.

In Maxwell, there is a carrier handle 51 provided but the work apparatus shown here has no handle tubes. Also, an arrangement of the carrier handle between the handle tubes and the drive motor is not suggested in this reference.

In view of the above, applicants submit that claim 21 patentably distinguishes their invention over Maxwell and should now be allowable.

For the reasons advanced above, independent claims 5, 16, 18, 19, 21 and 22 should now be allowable and the application should be in condition for allowance.

Reconsideration of the application is earnestly solicited.

Respectfully submitted,



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